

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

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MAY 18 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)

COMMUNITY TV OF)
SOUTHERN CALIFORNIA)

VALLEY PUBLIC)
TELEVISION, INC.)

For Construction Permit for a)
New TV Station on Channel *39)
in Bakersfield, California)

MM Docket No. 93-93

File No. BPET-881012KE

File No. BPET-900904KE

To: The Honorable Arthur I. Steinberg
Administrative Law Judge

SUPPLEMENT TO MOTION TO ENLARGE ISSUES

1. Community Television of Southern California ("CTSC"),
by its attorneys, hereby supplements its Motion to Enlarge Issues

have been filed with the Motion, pursuant to Section 1.229(e) of the Commission's Rules, but was inadvertently omitted.^{1/}

Respectfully submitted,

COMMUNITY TELEVISION OF
SOUTHERN CALIFORNIA

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May 18, 1993

^{1/} CTSC is filing simultaneously herewith a Motion to Accept Supplement to Motion to Enlarge Issues.

Attachment 1

Community Television of Southern California ("CTSC"), by its attorneys and pursuant to Section 1.229(e) of the Commission's Rules, hereby lists those documents that it would request from Valley Public Television, Inc. ("Valley") upon the grant of the Motion to Enlarge Issues filed by CTSC on May 4, 1993.

A. DOCUMENTS TO BE PRODUCED

Definitions

1. The following definitions are applicable to these requests:

a. Valley or "Applicant" means Valley Public Television, Inc. and any and all predecessor organizations, operating divisions, subsidiaries, partnerships and companies or organizations associated or affiliated with it, if any.

b. "Principal" includes all persons with any ownership interest, direct or indirect, in Valley, and all natural persons who are officers or directors of Valley, or members of its governing or advisory board, or agents or employees thereof, whether past, present or proposed.

c. The term "document" means the original, and any copy of the original that differs from it because of notes written on or attached to such copy or otherwise, or any identical copy of the original if the original is not available, as well as any drafts of the original, or any portion thereof, or any written, preprinted, typed, or visually or aurally recorded material of any kind, including computer data, and includes, but

is not limited to, any and all writings, correspondence, books, accountings, memoranda, minutes, agendas, notices, diaries (including attorney time diaries), calendars, notes, records, contracts, reports, statements, papers, letters, checks, monetary drafts, applications, certificates, telegrams, stenographic or handwritten notes, working papers, printed matter, charts, lists, instructions, guidelines, affidavits, and other written materials or audio and visual tapes, transcripts or tapes of meetings, photographs or other graphic or pictorial material. Such documents shall include, but not be limited to, all documents in the possession, custody or control of Valley or any of Valley's Principals, including documents in the possession of counsel or other agents or representatives of Valley or its Principals.

d. The term "persons" includes natural persons, corporations, partnerships and their partners, associations and other legal entities, including governments or governmental bodies, commissions, boards, agencies, or entities.

h. "Application" or "Valley's Application" means, unless otherwise indicated herein, Valley's application for a new noncommercial educational TV station to operate on Channel *39 at Bakersfield, California (BPET-900904KE), and all exhibits and amendments thereto.

i. "Station" means, unless otherwise indicated herein, the proposed station that Valley will construct and operate on Channel *39 at Bakersfield, California, if its Application is granted.

Instructions

have been in the possession or control of Valley or its Principals or representatives but is not now in their control, identify any such document and:

a. state the last known date of existence or of Valley's or its Principal's or representative's possession or control;

b. identify the person or entity having possession or custody on the last known date of possession, custody or control by Valley or its Principals or representatives;

c. state the length of any such document;

d. state the reason(s) why the document was destroyed, no longer exists, or no longer is in the possession, custody or control of Valley or its Principals or representatives;

e. describe the contents of any such document; and

f. for those documents which still exist, identify the person(s) or entity(ies) which today have possession, custody or control.

4. In reading and interpreting the requests for documents set forth hereinafter, Valley and its Principals and representatives are to give words their normal meanings and to assume the normal breadth of interpretation and definition rather than applying narrow, technical definitions.

5. If Valley or any one of its Principals or representatives asserts a claim of privilege, the document for which the claim is made is to be sufficiently identified, stating the

nature, topic, length, date of and persons involved in each such document (including the author, the person to whom the document was addressed or directed, all persons who were indicated to receive a copy and all persons to whom the document was circulated), so as to allow the claim to be challenged, should CTSC determine to do so.

6. This request is continuing in character. Valley is under a continuing obligation to supply documents responsive to this request which are discovered during or after discovery in this proceeding. These documents should be provided within 10 days after they are obtained or discovered.

7. For each document produced, identify the request to which it is deemed to be responsive. For documents considered responsive to more than one request, it is sufficient to identify the requests to which it is considered primarily responsive.

Documents Requested

The following documents are hereby requested:

Request No. 1

All documents that reflect, identify or describe the persons who were or are responsible for or participated in preparing Valley's Application, arranging its financing, obtaining its transmitter site, preparing its technical proposal or retaining lawyers, engineers and other professionals.

Request No. 2

All documents relating to the estimated costs of construction or operation of the Station, or the sources of funds to

not these estimated costs that were used or referred to by

Request No. 5

All documents relating to the compliance of Valley's Application with Sections 1.1305 and 1.1307(b) of the Commission's Rules, including, but not limited to engineering reports and studies and analyses relating to Valley's proposed antenna and transmitter site.

Request No. 6

All documents relating to the preparation of the engineering portion of Valley's Application.

Depositions

In addition to those Principals of Valley who will be deposed under the standard comparative issue as that term relates to noncommercial comparative hearings, CTSC will seek to depose those Principals of Valley and such other persons that may be shown in the documents produced to have knowledge of relevant facts that appear to be reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I certify that the foregoing Supplement to Motion to Enlarge Issues was served on the 18th day of May, 1993 by delivering a copy thereof to the following in the manner indicated:

Norman Goldstein
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554
(By hand)

Honorable Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 228
Washington, D.C. 20554
(By hand)

Richard Hildreth
Vincent J. Curtis, Jr.
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1300 North 17th Street
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(By hand)



Christy R. Tavitas